

Nebraska Board of Engineers and Architects

Board Meeting Minutes

April 12, 2013

CALL THE MEETING TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor, Large Conference Room, Lincoln, Nebraska. Chair Laging called the meeting to order at 8:30 a.m. and noted the location of the Public Meeting Statutes. Notice of the meeting was published on the Board's website and the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Present: Tom Laging, Chair; Lori Krejci, Secretary; Fred Choobineh; Michael Conzett; Roger Helgoth; Krista Kester.

Absent: Mark Champion; Jennifer Klein, Vice Chair.

Staff Present: Jon Wilbeck, Executive Director (ED); Sandra Weaver, Administrator (AD); Lisa Mathews, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA); Rachel Fetterman, Public Information Officer (PIO).

Open Meetings Act Overview

Notes taken at an independent agency meeting on the Open Meetings Act were provided.

Public Comment/Appointments

9:00 a.m. – Bob Bartle, Special Assistant Attorney General

10:00 a.m. – Rich Lombardi, American Communications Group, Inc.

Agenda Items

A Consent Agenda

Meeting Minutes

March 15, 2013 meeting minutes approved as presented.

Licensure/Examination Applications

NCEES MLE – Engineers

E-14615 Jan Guenther Bakker, Mechanical; E-14617 Peter Michael Breglio, Mechanical; E-14607 Thomas Joseph Fischer, Environmental; E-14626 Thomas J. Foldes, Electrical; E-14603 Adam Clayton French, Electrical and Computer; E-14628 Warren Scott Goodrich, Jr., Structural; E-14605 Adam John Gudenkauf, Mechanical; E-14604 Harry Tucker Harrison, III, Mechanical; E-14621 Wyatt Michael Knutson, Civil; E-14625 Adrian Anton Kollias, Civil; E-14627 Sau Chiat Kong, Civil; E-14606 Craig Bates Larsen, Civil; E-14616 William Michael Norman, Civil; E-14622 Howard James Paige, Jr.; Electrical; E-14623 Jason Elliott Palmer, Electrical and Computer; E-14614 Bradford Waring Roberts, Civil; E-14624 Brian Keith Schroeder, Civil; E-14613 Michael Scott Shepherd, Electrical and Computer; E-14619 Timothy Carl Siegel, Civil; E-14620 Michael Joseph Smith, Mechanical; E-14618 Jeffrey Sykes Trieb, Mechanical.

NCARB Certification – Architects

A-4327 Scott Eugene Ackatz; A-4328 Timothy Charles Berneche; A-4335 Erick Michael Beron; A-4334 Bradley Alan Buser; A-4330 Mark Francis Chen; A-4333 James Michael Gilsenan; A-4332 Brady William Harding; A-4337 Richard Bernard Kirschner; A-4329 Thomas Walter Kundig; A-4338 Peter Herald Landon; A-4331 Mark Daniel Oprisch.

Temporary Permits – None

Organizational Practice – Certificates of Authorization

CA2955 LucasE3 LC; CA2956 Legacy Design Group; CA2957 Holland Engineering Inc; CA2958 Steel Structures America Inc; CA2960 Engineering Associates Inc; CA2961 Allied Environmental Consultants Inc; CA2962 Workshop Architects Inc; CA2963 M2 Architecture Studio LLC; CA2964 Berneche2 Architecture PC; CA2965 DuBois Consultants Inc; CA2966 Seneca Companies; CA2967 Rigid Global Buildings LLC; CA2968 KWK Architects LLC; CA2969 GZA GeoEnvironmental Inc; CA2970 Bluestone Engineering LLC.

Engineer Intern Enrollment

Christopher Kevin Kuhl, NE.

Fundamentals of Engineering Examination - None

Approval of Consent Agenda

Action Motion by Kester, second by Conzett to approve the consent agenda. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

B Financial Matters

FY 2012/2013 Financial Profile, March 2013

Budget Status Report, March 2013

MTD General Ledger Detail Report, March 2013

Fund Summary Report, March 2013

ED Wilbeck reviewed March reports with the Board. A college student is being sought to fill a temporary part time IT position which will become vacant in May.

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Other Financial Matters

Draft attestation report and correspondence for CY audit ending December 31, 2012

ED Wilbeck reviewed the draft audit attestation report with the Board. An audit exit meeting was held April 11, 2013. A response letter, reviewed by the Board, will be sent to the Auditor of Public Accounts.

Approval of Financial Matters

Action Motion by Helgoth, second by Choobineh to approve the financial matters. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

C Applications

Licensure/Examination

Applications for licensure of Engineers by Comity

Approved: Sarah Marie Anderson, Civil, FL; Aykut Cetin, Civil, TX; Kevin John Feldman, Civil, MT; Richard Ted Kaczowski, Structural, IL; Timothy Verne Moore, Mechanical, IN, Lincoln D. Pearce, Mechanical, IA; Michael Domenic Pettini, Civil, CT; Jimmy Dale Schroeder, Mechanical, CO; Ralph Scott Stone, Civil, MO; Andrew D. Thielen, Electrical, IA.

Applications for licensure of Engineers by Experience

Approved: Douglas Frederick Hambley, Mining and Mineral, IL; Tor Sundal Hansen, Civil, MN; Paul Mervin Kline, Civil, IA.

Applications for licensure of Architects by Experience

Approved: Bruce Vernie Tunell, MN; Thomas Albert Tyler, MO.

Applications for licensure by Reinstatement

Approved: E-12510 Ehab Musa Elqaq; E-13686 Darren Wayne Eyre; A-3379 William Aidan Stashak; A-3230 Zsolt Stephen Vamosi.

Applications to take the ARE Exam

Approved: Megan Joy Hayward, NE; Adam Scott Post, NE.

Applications to take the PPE Exam

Approved: Derek John Gardels, Civil, NE.

Special Cases – None

Approval of Licensure/Examination Applications

Action Motion by Kester, second by Krejci to approve licensure and examination application requests as discussed. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

Licensing Information

Comparison of ABET-EAC Accredited Programs and NCEES Education Standard provided.

D Compliance

Logs

Current complaints presented.

History of closed complaints for Board review only.

Executive Session – Commenced at 9:15 a.m.

Action Motion by Conzett, second by Krejci to enter into executive session for discussion of pending compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

Executive Session – Concluded at 10:01 a.m.

Action Motion by Krejci, second by Conzett to close executive session for discussion of pending compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. The limitation for going into executive session was restated by Chair Laging. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

Pending Cases

11.04 – Summary and documentation

Reviewed in executive session. Investigation to be continued.

12.10 – Summary and documentation

Reviewed in executive session. Investigation to be continued.

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12.11 – Summary and documentation

Reviewed in executive session.

New Cases – None at this time.

Approval of Compliance Case Disposition

Action

Motion by Kester, second by Conzett to dismiss Compliance Case 12.11 without prejudice. Voting Yes: Krejci, Choobineh, Conzett, Helgoth, Kester, Laging. Voting No: None. Absent: Champion, Klein.

Other Compliance Items

Incorporated organizations without certificates of authorization

Enforcement procedures were discussed for organizations issued credentials at odds with Stat. § 81-3436 (5). CO Mathews reported an organization without a required certificate of authorization can generally be classified in one of three categories:

- (1) Uses a derivative of the term “architect” or engineer” in the organizational name and describes its nature of business as providing architecture or engineering services,
- (2) Uses a derivative of the term “architect” or “engineer” in the organizational name, but describes its nature of business as something other than providing architecture or engineer services; or
- (3) Does not use a derivative of the term “architect” or “engineer” in the organizational name, but describes its nature of business as providing architecture or engineering services.

Procedures for handling the categories were discussed and clarified for staff by the Board.

Klein entered the meeting at 10:48 a.m. Helgoth departed the meeting at 10:49 a.m.

2012-2013 building department visits

CO Mathews presented the Board with a 2012 and proposed 2013 schedule for visits to city departments to meet the Board’s goal of one visit every two years to establish positive working relationships. CO Mathews also noted she is including visits to county building departments as well. A suggestion was made to focus on counties where growth is most prevalent.

E Committee Reports

Board committee appointments and assignments

Committee appointments and assignments were presented as implemented in the 2012 Strategic Planning Session and 2012-2013 Board meetings.

Executive Committee Report

No report at this time.

Education and Communication Committee Report

An updated activity report for the Board’s Facebook account was presented by PIO Fetterman.

Enforcement Committee Report

No report at this time.

2014 NCEES Zone Meeting Planning Committee Report

The Committee will meet on April 16, 2013, in the small conference room.

Legislative Committee Report

Committee Chair Kester reported the Legislative Committee would be meeting again before the Board reviewed the statute draft.

Rich Lombardi distributed a current legislation tracking document and reported on bills of interest. The first year of the 103rd Legislative Session is approximately two-thirds over. Lombardi reported an interim process could be utilized to begin dialogue on the Board’s statute rewrite. Interacting with groups of interest will be critical. When finished with the technical review of the statute draft, the Board will develop a strategy for the legislative process. Rich Lombardi left the meeting at 10:27 a.m.

Board staff will gather more information for possible locations for the review of the revised draft of the E&A Act during the first part of June 2013. A meeting area with at least 1,000 square feet, comfortable seating with elbow room, a projector and screen, and high ceilings is preferred. Staff will check on the availability of absent Board members and various sites for a possible meeting date of June 10, 2013.

F Old Business

FE Approval Model Summary

A summary of the FE automatic and manual approval models was reviewed by the Board. Boards may select

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different approval models for different exam types. Examinees must choose a board when registering - no matter which model is used. NCEES is to be notified of the Nebraska Board's option(s) by June 1, 2013.

Action Motion by Choobineh, second by Conzett to approve the automatic no restriction model for the FE examination. Voting Yes: Klein, Krejci, Choobineh, Conzett, Kester, Laging. Voting No: None. Absent: Champion, Helgoth.

2013 Planning Session Discussion Topics (Tentative)

A list of tentative extended discussion topics was reviewed by the Board.

The May planning session will be extended discussion at the regular Board meeting on May 10, 2013. Although, rule and regulation changes will be reviewed at a separate meeting in June, language on seals will be discussed for possible changes this year. Vendor contracts and the fee schedule will also be added to the discussion list.

G New Business

Governance Issues

Addition of Board Policy 13.01 – Consent Agenda Items Related to Licensure & Examinations

Proposed language for Policy 13.01 was presented to the Board. After discussion, proposed language was edited as follows for Policy 13.01:

The following items may be placed on the consent agenda by the Executive Director during regular Board meetings:

- Approval of the minutes from past meetings;
- Professional engineer license applications via comity, where applicants hold an NCEES Record in good standing and meet "Model Law Engineer" or "Model Law Structural Engineer" standards as designated on the applicant's NCEES Record;
- Architect license applications via comity, where applicants hold an NCARB Certificate in good standing;
- Temporary permit applications;
- Certificate of authorization applications;
- Engineer Intern enrollment applications;
- Fundamentals of Engineering (FE) Examination applications; and
- Architectural Registration Examination (ARE) applications.

Action Motion by Kester, second by Krejci to approve the addition of Board Policy 13.01 with revisions as written in these minutes. Voting Yes: Klein, Krejci, Choobineh, Conzett, Kester, Laging. Voting No: None. Absent: Champion, Helgoth.

Engineering Items

Nomination for position of NCEES President-Elect

The Maryland State Board for Professional Engineers nominated Howard "Skip" Harclerode II, P.E. for the position of NCEES President-Elect. Conzett reported it would be an opposition election since David Widmer, P.L.S., from Pennsylvania would also be running in the Northeast Zone District. The Northeast Zone District will select a candidate, but the Board would possibly have a chance to vote if another person was nominated on the floor at the NCEES Annual meeting. The NBEA Board will pick a preferred candidate at the August meeting. Information on Mr. Widmer will be provided in the August meeting packet.

Proposed voting change to NCEES Bylaws

At the 2013 NCEES Central and Southern Zone Meeting, the Ohio State Board of Registration for Professional Engineers and Surveyors proposed a resolution to change NCEES bylaws to allow only one vote per state or territory. Current NCEES bylaws specify one vote to each member board. The Board conceded this was a complicated matter that needs to be discussed before voting. Chair Laging asked the Board to start thinking about this issue before the NCEES Annual Meeting.

Discussion regarding NCEES agreement with NBEA for CBT exams

NCEES is considering amending the existing contract or creating a letter to reflect the offering of exams in both CBT and paper/pencil format. ED Wilbeck will contact the Attorney General's Office to get direction on whether a contract or letter format should be used. The Board discussed what position should be taken for the experience requirement before the PE exam. Discussion will continue as the Board's Legislative Committee continues their work in drafting revisions to the E&A Act.

Architecture Items – None at this time.

Other Items

Appointment of Nebraska State Fire Marshal

Governor Dave Heineman announced the appointment of Jim Heine of Lincoln as Fire Marshal for the State of Nebraska on March 27th. Heine served as Assistant State Fire Marshal from January 2007 until January 2013 when he became Acting Fire Marshal. ED Wilbeck will contact the State Fire Marshal Office to open communication.

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2013 regional and national meeting travel authorization

A listing of the 2013 regional and national meetings showing travel authorization for Board members and staff was provided.

Kester was authorized to attend the NCEES Annual Meeting on August 21-24, 2013, in San Antonio, TX.

Choobineh, Conzett, Helgoth, and Klein were authorized to attend the rescheduled NeSPE Legislative Luncheon on May 22, 2013, at the Country Club of Lincoln.

Laging reported the NCARB Annual Meeting in San Diego was scheduled on the same date as the AIA meeting in Denver.

H General Information

Public meeting notice publication

A public notice request was sent to the Lincoln Journal Star for the April 12, 2013 meeting.

Board meetings and schedule

A current schedule was provided for board meetings and events.

Roster of Board members

The Board roster was updated to reflect the new officers and reappointment of the Emeritus Board members.

Travel Reimbursement Policy

Agency travel reimbursement policy provided for review.

Licensing and Certification Trends

Trends in Licensure

Trends in Renewals

Trends in Certificates of Authorization

Database reports for licensure trends, renewal statistics, and active certificates of authorization were provided.

Language has been added to indicate "licensed" professionals in the "Size of Organization" section on the certificate of authorization forms.

Other information

Current Board policies were provided for review.

Adjournment

The meeting was adjourned at 11:50 a.m.

Lori Krejci, Secretary